

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

In the Matter of the Application of San Diego Gas and Electric Company (U 902-E) for an Ex Parte Order Approving the Settlement Agreements Between SDG&E and certain winning bidders in SDG&E's Biennial Resource Plan Update Auction.

Application 97-10-081  
(Filed October 20, 1997)

**ADMINISTRATIVE LAW JUDGE'S RULING  
EXTENDING DECEMBER 7, 2001 PROTECTIVE ORDER**

On November 17, 2003, San Diego Gas & Electric Company (SDG&E) filed a motion to extend the protective orders previously issued in this case and extended pursuant to a December 7, 2001 Administrative Law Judge (ALJ) ruling through December 21, 2003. SDG&E claims that the circumstances justifying confidential treatment of portions of the application and related material have not changed. Although the December 7 ruling required SDG&E to explain with specificity why the designated material still needs protection in light of the passage of time involved, SDG&E has not made this showing. No party objects to the extension of the protective orders.

I weigh the harm of disclosing the information against the public interest of disclosing the sealed information. At some point, due to the passage of time, the harm to SDG&E and its ratepayers from disclosing the sealed information should be minimal. However, at the time the application was decided by the Commission, the Commission disclosed certain aspects of the settlement so that it could address them in a decision. Therefore, because general information as set forth in the final decision in this matter has already been disclosed, I grant SDG&E's motion for protective order as set forth below. However, if SDG&E seeks renewal of this protective order, it shall explain with

specificity why the designated material still needs protection in light of the passage of time involved, and SDG&E should attach a copy of this ruling to any further request. Failure to make this required showing may constitute grounds to deny any future such motion.

**IT IS RULED** that:

1. The November 17, 2003 motion of San Diego Gas & Electric Company (SDG&E) for an extension of the protective orders previously extended in a December 7, 2001 Administrative Law Judge (ALJ) ruling is granted to the extent below.
2. The protective orders set forth in the May 28, 1998 Assigned Commissioner and ALJ Ruling, the November 18, 1998 ALJ Ruling, and Decision 98-12-074, as previously extended in the December 3, 1999 and December 7, 2001 ALJ rulings, shall remain in effect through and including December 21, 2005, and during that period the material so protected shall not be made accessible or disclosed to anyone other than Commission staff except on the further order or ruling of the Commission, the Assigned Commissioner, the assigned ALJ, or the ALJ then designated as Law and Motion Judge.
3. If SDG&E believes that further protection of this information is needed after December 21, 2005, it may file a motion stating the justification for further withholding the material from public inspection, or for such other relief as the Commission rules may then provide. This motion shall be filed no later than 30 days before the expiration of this protective order, and shall explain with specificity why the designated material still needs protection in light of the passage of time involved. SDG&E shall attach a copy of this ruling to its motion. Failure to make this required showing may constitute grounds to deny any future such motion.

Dated December 4, 2003, at San Francisco, California.

/s/ JANET E. ECONOME

Janet A. Econome  
Administrative Law Judge

**CERTIFICATE OF SERVICE**

I certify that I have by mail, and by electronic mail to the parties to which an electronic mail address has been provided, this day served a true copy of the original attached Administrative Law Judge's Ruling Extending December 7, 2001 Protective Order on all parties of record in this proceeding or their attorneys of record.

Dated December 4, 2003, at San Francisco, California.

/s/ JANET V. ALVIAR

Janet V. Alviar

**N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

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If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074 or TDD# (415) 703-2032 five working days in advance of the event.